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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,184

06/20/2005

Declan P. Kelly

NL021455

1205

24737

7590

09/26/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

09/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/540,184	Applicant(s) KELLY ET AL.	
	Examiner Shaima Q. Aminzay	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## ***DETAILED ACTION***

This office action is in response to applicant's amendment/remarks filed July 17, 2007.

Note: Examiner did not change the ground of rejection; but has changed the argument of the rejection for clarity.

### ***Response to Arguments***

1. Response to applicant's argument with respect to objected claims 1-17 is moot as the amendments to the claims meet the requirements, therefore, Claim Objections with respect to claims 1-17 withdrawn.
2. Applicant's arguments with respect to the rejected claims 1, 3-12, 14-16, and 18 under Claim Rejections-35 U.S.C. 102(e), and rejected claims 2, 13, and 17 under Claim Rejections-35 U.S.C. 103(a) have been fully considered, but they are not persuasive.

Applicant argues (Remarks pages 7-9) that Kato does not teach "comparing the update information with information provided on the disk" as in independent claims 1, 12, 16, and 18. The Examiner respectfully disagrees. Kato clearly discloses the updated map information that is the updated information compared with the provided information on the disk (CD) (*e.g., Abstract, lines 3-19*). Further, the applicant argues that Kato does not teach the limitation "receiving the update information from the data provider". The

Examiner respectfully disagrees. Kato clearly discloses the apparatus receiving the updated information from the center (provider) (*e.g., cl 5, ln 21-25*). Kato does not specifically teach to accept charges, in related art dealing with portable computer based (disk-based) device in communication system, Walsh teaches accepting the cost that is accepting the charges (*action below*).

Kato clearly discloses the claimed invention, and Kato in view of Walsh obviate applicant's invention, as discussed in below office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-12, 14-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato (Kato, U.S. Patent 6,453,233).

Regarding claim 1, Kato discloses a method for receiving updated information using a portable disk-based information device (*e.g., Fg 1-7, cl 1, ln 15-65, cl 4, ln 57-60, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable disk type information device (electronic device, i.e. terminal units) receives the latest information*), comprising: requesting update information from a data provider (*e.g., Fg 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable disk type information device (electronic device, i.e. terminal unit) requests updated/latest information from the provider*); receiving the update information from the data provider (*e.g., Fg 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable electronic device receives the latest information from the provider*); comparing the update information with information provided on the disk (*e.g., Fg 1-3, Abstract, ln 3-19, cl 4, ln 31-67, cl 5, ln 10-41, cl 10, ln 34-37, the received updated information is being compared and verified with respect to disk stored information*); and delivering updated information to a user in response to a user request (*e.g., Fg 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, the received updated information is being transmitted to the portable electronic device (user) per user request*), reporting new information and replacing outdated information provided on the disk with information received from the data provider (*e.g., Fg 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37, the new and updated information is being provided on the storage medium (disk, CD, DVD, etc.) with provider data*).

Regarding claim 12, Kato discloses a computer-usable medium for receiving updated

information using a portable disk-based information device (e.g., *Fig 1-7, cl 1, ln 15-65, cl 4, ln 57-60, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the computerized medium receiving updated information using the portable disk type information device (electronic device, i.e. terminal units)*)), comprising: computer program code for requesting update information from a data provider (e.g., *Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the software program for requesting updated/latest information from the provider*); computer program code for receiving the update information from the data provider (e.g., *Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the software program for receiving the latest information from the provider*); computer program code for comparing the update information with information provided on the disk (e.g., *Fig 1-3, Abstract, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the received updated information is being compared and verified with respect to disk stored information*); and computer program code for delivering updated information to a user in response to a user request (e.g., *Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, the received updated information is being transmitted to the portable electronic device (user) per user request*), reporting new information and replacing outdated information provided on the disk with information received from the data provider (e.g., *Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37, the new and updated information is being provided on the storage medium (disk, CD, DVD, etc.) with provider data*).

Regarding claim 16, Kato discloses a system for receiving updated information using a portable disk-based information device (*e.g., Fig 1-7, cl 1, ln 15-65, cl 4, ln 57-60, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the system for portable disk type information device (electronic device, i.e. terminal units) receives the latest information*), comprising: means for requesting update information from a data provider (*e.g., Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable disk type information device (electronic device, i.e. terminal unit) requests updated/latest information from the provider*); means for receiving the update information from the data provider (*e.g., Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable electronic device receives the latest information from the provider*); means for comparing the update information with information provided on the disk (*e.g., Fig 1-3, Abstract, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the received updated information is being compared and verified with respect to disk stored information*); and means for delivering updated information to a user in response to a user request (*e.g., Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, the received updated information is being transmitted to the portable electronic device (user) per user request*), reporting new information and replacing outdated information provided on the disk with information received from the data provider (*e.g., Fig 1-3, cl 4, ln 6-64, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37, the new and updated information is being provided on the storage medium (disk, CD, DVD, etc.) with provider data*).

Regarding claim 18, Kato discloses a method for receiving updated information using a disk-based information device (*e.g., Fig 1-7, cl 1, ln 15-65, cl 4, ln 57-60, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable disk type information device (electronic device, i.e. terminal units) receives the latest information*), comprising:

broadcasting update information from a data provider (*e.g., Fig 1-3, cl 1, ln 15-24, ln 56-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, using the radio-communication inks (broadcasting) update information from the provider*);

receiving the update information from the data provider (*e.g., Fig 1-3, cl 1, ln 15-24, ln 56-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the portable electronic device receives the latest information from the provider*); comparing the update information with information provided on the disk (*e.g., Fig 1-3, Abstract, cl 1, ln 15-24, ln 56-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37, the received updated information is being compared and verified with respect to disk stored information*); and delivering updated information to a user in response to a user request (*e.g., Fig 1-3, cl 1, ln 15-24, ln 56-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, the received updated information is being transmitted to the portable electronic device (user) per user request*), reporting new information and replacing outdated information provided on the disk with information received from the data provider (*e.g., Fig 1-3, cl 1, ln 15-24, ln 56-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37, the new and updated information is being provided on the storage medium (disk, CD, DVD, etc.) with provider data*).



Regarding claim 3, Kato teaches all the limitations of claim 1, and further, Kato teaches wherein the disk-based information device is one of a navigation device, a city guide, a hotel guide, a transportation schedule, or a business directory (*e.g.*, *Fg 1-3, cl 1, ln 15-24, ln 56-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

Regarding claim 4, Kato teaches all the limitations of claim 1, and further, Kato teaches wherein the disk-based information device is operably connected to a portable networking device (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 57-60, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 52-55, cl 10, ln 34-37*).

Regarding claim 5, Kato teaches all the limitations of claim 4, and further, Kato teaches wherein the portable networking device 110 is one of a personal data assistant (PDA) or a cellular telephone (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

Regarding claim 6, Kato teaches all the limitations of claim 1, and further, Kato teaches wherein the data provider 150 is accessed through a wireless communication network (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

Regarding claim 7, Kato teaches all the limitations of claim 4, and further, Kato

teaches wherein the wireless communication network is one of a mobile telephone network, a local-area network, or a satellite network (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

Regarding claim 8, Kato teaches all the limitations of claim 1, and further, Kato teaches wherein the disk-based information device includes a read-only small form factor optical disk (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-41, ln 66-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

Regarding claim 9, Kato teaches all the limitations of claim 1, and further, Kato teaches wherein some or all update information from the data provider is stored using one or more storage means selected from a group consisting of memory caching (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*), disk caching, non-volatile random access memory (NVRAM), magnetoresistive random access memory (MRAM), and a mixed-function disk (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

Regarding claims 10 and 14, Kato teaches all the limitations of claim 1, 12, and further, Kato teaches wherein requesting update information from a data provider comprises sending one or more items selected from a group consisting of the user's search criteria (*e.g.*, *Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*), the geophysical location of the disk-based information device (*e.g.*,

*Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37), identifiers for the user of the disk-based information device (e.g., Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37), identifiers for the application being used, and identifiers for the disk being used (e.g., Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37).*

Regarding claims 11 and 15, Kato teaches all the limitations of claims 10, 14, and further, Kato teaches wherein information sent to the data provider is used to minimize the amount of update information transferred by the data provider (*e.g., Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (Kato, U.S. Patent 6,453,233) in view of Walsh (Walsh et al., U.S. Patent 6,965,770).

Regarding claims 2, 13, and 17, Kato teaches all the limitations of claims 1, 12, 16, and further, Kato teaches first agreeing to accept [*charges associated with*] receiving update information from a data provider (*e.g., Fg 1-7, cl 1, ln 15-65, cl 4, ln 6-65, cl 5, ln 10-67, cl 6, ln 1-6, ln 18-55, cl 10, ln 34-37*), however, Kato does not specifically teaches to accept charges.

In related art dealing with portable computer based (disk-based) device in communication system, Walsh teaches accepting the cost (*e.g., Fg 1-20, cl 1, ln 6-53, cl 6, ln 28-67, cl 10, ln 6-32*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Walsh's accepting the cost with Kato's to provide a communication system with a portable device collecting updated information "regarding the user's request(s), and allowing the user to make more requests, or end the request process" including fees dynamically delivered service (Walsh, *see for example, cl 2, ln 5-14, cl 6, ln 42-45*).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

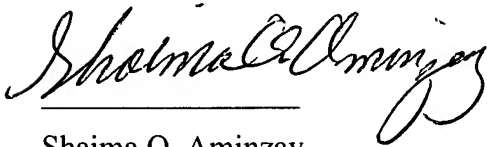
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay  
(Examiner)



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER

September 23, 2007